

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rita Boppana,

Complainant,

vs.

Southern California Gas Company,

Defendant.

Case 00-05-010
(Filed May 11, 2000)

And Related Matters.

Case 00-05-011
(Filed May 11, 2000)
Case 00-05-012
(Filed May 11, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
SCHEDULING A PREHEARING CONFERENCE
FOR SETTING CONTINUED EVIDENTIARY HEARINGS**

Summary

A Prehearing Conference (PHC) is scheduled for Thursday, June 23, 2005, at 10:00 a.m. at the Commission's Los Angeles Courtroom, 320 West 4th Street, 5th Floor, Los Angeles, California.

Discussion

On May 11, 2000, three separate complaints, Case (C.) 00-05-010, C.00-05-011 and C.00-05-012 were filed by Rita Boppana, Albert Jibilian and Christine Storey against Southern California Gas Company (SoCalGas). The complaints asked the Commission to conduct an investigation to determine if the

SoCalGas gas storage facility and gas storage field in Playa del Rey are venting or leaking gas or depositing carcinogens into the air or soil in a manner that compromises the health and safety of the people in the community that surrounds the storage facility and field. SoCalGas filed an answer denying all of the allegations.

Evidentiary Hearings

On March 7, 2005, the assigned Commissioner issued a Scoping Memo and Ruling (ACR) that consolidated the three complaints for evidentiary hearings (EH) and noticed EHs for April 18, 19 and 20, 2005. On April 18, 19 and 20, 2005, EHs were held in the Commission's Los Angeles Hearing Room. By the close of the third day of EH, it was apparent that the parties needed additional hearing time and time to prepare for the continued hearings. Therefore, the parties requested at least 60 days for document and exhibit exchange and review and an opportunity to meet informally in meet-and-confer sessions to see if any stipulations could be reached or the focus of the hearings could be narrowed.

In addition, the parties discussed whether mediation might also be an option to be pursued to resolve some, or all, of the disputed issues, and wanted some time to consider this procedure.

Therefore, at the close of the hearing day on April 20, 2005, the EHs were continued to a date to be determined after the 60-day period elapsed.

Prehearing Conference

To determine if the parties are ready to proceed with the EHs following their 60-day period for document exchange and review, a PHC is set for Thursday, June 23, 2005, at 10:00 a.m. at the Commission's Los Angeles Hearing Room, 320 West 4th Street, Suite 500, Los Angeles, California.

During this 60-day period the parties are to use the time to have voluntary meet-and-confers to see if they can stipulate to any facts, narrow the issues that are in dispute that will require further EH time, and settle any, or all, of the issues. If at any time the parties jointly agree that their negotiations would benefit from the use of a Commission ALJ, different from the assigned ALJ, who is trained as a negotiator/mediator, the parties are to alert ALJ Brown. Mediation is voluntary, does not result in a “decision” imposed on the parties, but is a process whereby the parties can explore solutions or resolution of the issues that are in dispute.

At the June 23 PHC, Complainants, through Grassroots, should be prepared to tell the Commission if they are ready to proceed with presenting their case, or if they need more time to prepare. If Grassroots is ready to go forward, the Commission will need to know how many witnesses will be preparing written testimony, the subjects the testimony will address, approximately how many documents will be presented in support of their case, dates for the service of the written testimony, and dates for the continued EHs.

Once SoCalGas knows the length and depth of the case Grassroots intends to present, SoCalGas should be prepared to tell the Commission how much time it will need to cross-examine the Grassroots’ witnesses, how many witnesses it intends to call in support of its position in the litigation, the subject of their testimony, and approximately how many documents will be presented. Grassroots will then inform the Commission how much time it will need to cross-examine the SoCalGas witnesses.

Following the PHC, the assigned ALJ will issue a ruling memorializing the established dates for service of testimony and the dates for the continued EHs.

If at any time during this 60-day preparation period the parties feel progress in either the litigation or in settlement could benefit from the interjection of ALJ Brown, the parties should contact her by way of a joint telephone call at (415) 703-2971.

IT IS RULED that a PHC is scheduled for Thursday, June 23, at 10:00 a.m. at the Commission's Los Angeles Courtroom, 320 West 4th Street, 5th Floor, Los Angeles. Parties should come to the PHC prepared to discuss the issues set forth above concerning the schedule for service of written testimony, dates for the continued EHs, and whether both parties want to explore mediation.

Dated April 27, 2005, at San Francisco, California.

/s/ CAROL A. BROWN

Carol A. Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Scheduling a Prehearing Conference for Setting Continued Evidentiary Hearings on all parties of record in this proceeding or their attorneys of record.

Dated April 27, 2005, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.